

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

J.W.,

Plaintiff,

v.

CIVIL ACTION NO. 1:09-cv-01277

HON. DAVID W. KNIGHT, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

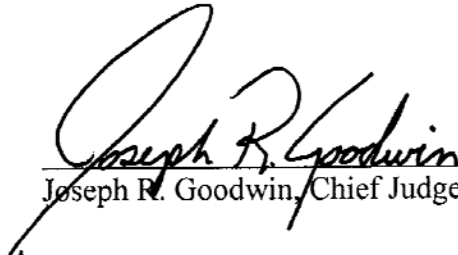
Pending before the court is the defendant's Motion to Dismiss, filed on December 28, 2009 [Docket 5]. Pursuant to the local rules of this court, the plaintiff had fourteen days to respond to the defendant's motion. S.D. W. Va. Local Rule 7.1(a)(7). Although the plaintiff filed an emergency motion on January 8, 2010, the plaintiff has not responded to the Motion to Dismiss.

The plaintiff is a sexual-assault victim. Her claims in this case are against a state court judge who ordered her to submit to an involuntary penetrating pelvic examination in conjunction with the state court prosecution of her brothers, who inflicted the sexual abuse upon her. On January 12, 2010, the defendants in those prosecutions pleaded guilty, and the plaintiff is no longer subject to the court-ordered examination.

Federal courts lack jurisdiction to review matters that have become moot. *Liner v. Jafco, Inc.*, 375 U.S. 301, 306 n.3 (1964). Because the plaintiff is no longer subject to an involuntary examination, the claims against this defendant are moot. The Motion to Dismiss is therefore **GRANTED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 25, 2010



Joseph R. Goodwin, Chief Judge